ESTTA Tracking number: **ESTTA19291**Filing date: **11/15/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162503
Party	Defendant Negro Leagues Baseball Museum, Inc. Negro Leagues Baseball Museum, Inc. 1601 East 18th Street, Suite 260 Kansas City, MO 64108
Correspondence Address	Michael Elbein Hovey Williams LLP 2405 Grand Blvd., Suite 400 Kansas City, MO 64108
Submission	Answer
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Signature	/michael elbein/
Date	11/15/2004
Attachments	Answer to opposition.pdf (4 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD

ST. LOUIS CARDINALS, LLC)
Opposer,) Opposition No. 91162503) Serial No. 74/614,716
V.)
NEGRO LEAGUES BASEBALL MUSEUM, INC.)))
Applicant.)

ANSWER TO NOTICE OF OPPOSITION

Applicant, Negro Leagues Baseball Museum, Inc., in response to the Notice of Opposition filed by St. Louis Cardinals, LLC states as follows:

- 1. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 1, and therefore denies the same.
- 2. Applicant without sufficient knowledge to admit or deny the allegations contained in paragraph 2, and therefore denies the same.
- 3. Applicant admits that the opposer is the owner of record of the registrations noted in paragraph 3; Applicant denies the remaining allegations in paragraph 3 for lack of knowledge sufficient to admit or deny the same.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the foregoing Answer to Notice of Opposition regarding U.S. Serial No.74/614,716 was filed electronically using the ESTTA electronic filing system on this 15th day of November 2004.

/Vasuki Selvan/

ANSWER TO OPPOSITION

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4. Applicant is without sufficient information to admit or deny the allegations contained

in paragraph 4 and therefore, denies the same.

5. Applicant is without sufficient information to admit or deny the allegations of

contained in paragraph 5 and therefore, denies the same.

6. Applicant admits the allegations contained in paragraph 6.

7. Applicant admits that it did not use this mark in connection with all of the goods

listed in the application prior to the date of filing.

8. Applicant admits that some of the goods offered by Applicant are identical to some

of the goods listed in registrations allegedly owned by the opposer in connection with its STL &

Design mark; applicant denies the remaining allegations in paragraph 8.

9. Applicant denies the allegations contained in paragraph 9.

10. Applicant denies the allegations contained in paragraph 10.

11. Applicant denies that opposer will be damaged by registration of Applicant's STL &

Design mark.

12. Applicant denies each and every allegation contained in the Notice of Opposition not

specifically admitted herein.

13. Opposer's Notice of Opposition fails to state a claim upon which relief can be

granted.

14. Opposer's marks are all for a design, which design does not even remotely resemble

the design used by Applicant in its application.

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15. The only term in common, STL, is a known geographic description representing the

city of St. Louis, Missouri. Applicant's use of the term STL as a designation for St. Louis is

appropriate, especially given that Applicant's design is sufficiently distinct from the design used by

opposer with its STL term.

16. Opposer does not have the exclusive right to use the term STL as a designation for

St. Louis or as a mark; opposer only has the right to claim exclusive use of its design, which is a

unique interlocking STL and is dissimilar from the Applicant's mark.

WHEREFORE, having fully responded, Applicant requests that the Notice of Opposition be

dismissed, and that Applicant's mark proceed to issuance of a Notice of Allowance.

Respectfully submitted,

NEGRO LEAGUES BASEBALL MUSEUM, INC.

HOVEY WILLIAMS LLP

By ____/Michael Elbein/

Michael Elbein

Thomas H. Van Hoozer

Cheryl L. Burbach

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ATTORNEYS FOR APPLICANT

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ANSWER TO OPPOSITION Opposition No. 91162503 Serial No. 74/614,716

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Answer to Notice of Opposition was	mailed,
rst class, postage prepaid, this 15th, day of November, 2004 to the following:	
Mory I. Voylin	

_____Mary L. Kevlin
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, NY 10036
_____ATTORNEYS FOR OPPOSER

/Michael Elbein/